

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Everett Gregory Casteel,
Petitioner,
v.
Ryan Thornell, et al.,
Respondents.

No. CV-23-01516-PHX-GMS (MTM)

ORDER

and

**DENIAL OF CERTIFICATE OF
APPEALABILITY AND IN FORMA
PAUPERIS STATUS**

Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Morrissey (Doc. 12) regarding Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 7 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(b) and 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). No objections were filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A

1 party may serve and file objections to the order within 14 days after being served with a
2 copy [of the magistrate's order]. A party may not assign as error a defect in the order not
3 timely objected to."); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996);
4 *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

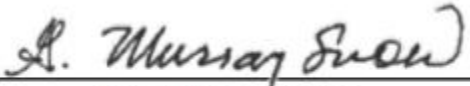
5 The Court will accept the R&R and dismiss the Petition. *See* 28 U.S.C. § 636(b)(1)
6 (stating that the district court "may accept, reject, or modify, in whole or in part, the
7 findings or recommendations made by the magistrate").

8 **IT IS ORDERED** that Report and Recommendation of the Magistrate Judge
9 (Doc.12) is accepted.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court enter judgment denying
11 and dismissing petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C.
12 § 2254 (Doc. 1) with prejudice. The Clerk shall terminate this action.

13 A request for a certificate of appealability will be denied because the dismissal of
14 the Petition is justified by a plain procedural bar and reasonable jurists would not find the
15 ruling debatable.

16 Dated this 18th day of December, 2024.

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18 G. Murray Snow
19 Senior United States District Judge
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